
HOUSE BILL No. 1916

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-1-16-45; IC 8-4; IC 8-6-2.1-11; IC 10-7; IC 16-22; IC 20-5-23-2; IC 20-14-10-10; IC 21-5; IC 23-4-3-2; IC 23-14-69-7; IC 25-34.1; IC 32-24; IC 36-9-13-29; IC 36-10-10-18.

Synopsis: Property appraisers. Removes requirement that court appointed appraisers must be freeholders. Requires a simultaneous exchange of appraisals in eminent domain matters. Requires the board to recommend increasing standards for appraisers. Imposes a fee upon licensed or certified appraisers to fund fraud investigation by the office the attorney general. Establishes the investigative fund.

Effective: July 1, 2003.

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January 23, 2003, read first time and referred to Committee on Commerce and Economic Development.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1916

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-1-16-45 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 45. **(a)** A county
3 desiring to have a building erected or renovated on land owned or to be
4 acquired by the county may sell that land or building to the authority.
5 Before the sale may take place, the county commissioners shall file a
6 petition with the circuit court of the county requesting the appointment
7 of three (3) disinterested ~~freeholders~~ **licensed appraisers who are**
8 **residents** of the county, ~~as appraisers~~ to determine the fair market
9 value of the land or building. Upon appointment, the appraisers shall
10 fix the fair market value of the land or building and shall report that
11 value within two (2) weeks from the date of their appointment. The
12 county may then sell the land or building to the authority for an amount
13 not less than the amount fixed by the appraisers as the fair market
14 value. The amount shall be paid in cash upon delivery of the deed by
15 the county to the authority. If a cumulative building fund exists at the
16 time of the sale, the proceeds from the sale shall be placed in that fund.
17 If a cumulative building fund does not exist at the time of the sale, the



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proceeds from the sale shall be paid into the county hospital fund with the principal and interest on the fund to be used solely by the county hospital for the purposes set forth in IC 16-22-5-3 (or IC 16-12.1-4-4 before its repeal on July 1, 1993). A sale of land or a building by a county to the authority shall be authorized by the board of commissioners by an order that shall be entered in the official records of the board. The deed shall be executed on behalf of the county by the board of county commissioners.

~~(c)~~ **(b)** A contract entered into under this chapter for a public work (as defined in IC 5-16-7-4) is subject to IC 5-16-7.

SECTION 2. IC 8-4-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) A corporation formed under this chapter is authorized to enter upon any land for the purpose of examining and surveying its railroad line, and may appropriate as much land as is deemed necessary for its railroad, including necessary side-tracks and water stations, materials for constructing, except timber, a right-of-way over adjacent lands sufficient to enable the company to construct and repair its road, and a right to conduct water by aqueducts and the right of making proper drains.

(b) The corporation shall deposit with the clerk of the circuit court of the county where the land lies, a description of the rights and interests intended to be appropriated. The land, rights, and interests shall belong to the company, to use for the purpose specified, by making or tendering payment as provided in this section.

(c) The corporation may, by its directors, purchase lands, materials, rights-of-way, or interests of the owner of the land, or, in case the land is owned by a mentally incompetent person or a person under eighteen (18) years of age, at a price to be agreed upon by the guardian or parent of the mentally incompetent person or person under eighteen (18) years of age, if the land, material, right-of-way, or interest is appraised by the court in which the description is filed. Upon agreement and approval, the owner, guardian, or parent, as the case may be, shall convey the premises purchased, in fee simple or otherwise, as the parties may agree, to the railroad corporation. The deed, when made, shall be valid in law.

(d) If the corporation does not agree with the owner of the land, or with the owner's guardian, if the owner is incapable of contracting, concerning the damages sustained by the appropriation, the corporation shall deliver to the owner or guardian, if within the county, a copy of the instrument of appropriation. If the owner or the owner's guardian, in case the owner is incapable of contracting, is unknown or does not reside within the county, the corporation shall publish, in a newspaper

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of general circulation in the county, for three (3) weeks, an advertisement, concerning the substance of the instrument of appropriation.

(e) Upon filing an act of appropriation and delivery of a copy, or making the publication, the circuit court in the county where the land lies, upon the application of either party, shall appoint, by warrant, three (3) disinterested ~~freeholders~~ **licensed appraisers who are residents** of the county, to appraise the damages which the owner of the land may sustain by the appropriation. The appraisers shall be duly sworn. They shall consider the injury that the owner may sustain by reason of the railroad. The appraisers shall return their assessment of damages to the clerk of the court, setting forth the value of the property taken or injury to the property which they assess to the owner, or owners separately, to be filed and recorded by the clerk. The corporation shall pay to the clerk the amount thus assessed, or tender the amount to the party in whose favor the damages are awarded or assessed.

(f) On making payment or tender in the manner required, it is lawful for the corporation to hold the interests in the lands or materials appropriated, and to use the materials on the roadway and within fifty (50) feet on each side of the center of the roadway. The cost of the award shall be paid by the corporation. On notice by any interested party, the court may order payment and enforce the payment by execution.

(g) The award of the arbitrators may be reviewed by the court in which proceedings may be had, on written exceptions filed by either party in the clerk's office within twenty (20) days after the filing of the award. Notice of filing of the arbitrators' award shall be given by the clerk of the court to all known parties to the action and their attorneys of record by certified mail. The period of exceptions shall run from and after the date of mailing. The court shall make an order as right and justice may require by ordering a new appraisal on good cause shown.

(h) Notwithstanding an appeal, the corporation may take possession of the property described in the exceptions, and the subsequent proceedings on the appeal only affect the amount of compensation to be allowed. If, prior to the assessment, the corporation shall tender to the owner (or the owner's guardian, if the owner is unable to contract) an amount equal to the award that was made, exclusive of costs, the costs of arbitration shall be paid equally by the corporation and the owner or guardian.

SECTION 3. IC 8-4-10-1 IS AMENDED TO READ AS FOLLOWS



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[EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The owner or owners or their lessees of lands, mills, blast-furnaces, quarries, iron ore, coal mines, or other minerals, or other real estate or any company of persons who desire to construct a lateral railroad, not exceeding ten (10) miles in length, may locate and construct the lateral railroad to any other railroad, canal, or slack-water navigation on, over, through, or under any intervening lands. Their engineers, agents, artists, and assistants may enter upon any intervening lands, doing no unnecessary damage, and survey, mark, and lay out a route for the proposed lateral railroad.

(b) A person described in subsection (a) may present a petition to the circuit court of the county in which the intervening lands are situated that sets forth the beginning, course, distance, and termination of the proposed lateral railroad, together with a map or profile of the route, indicating the excavations and embankments on the route, and designating, particularly, the name or names of the owner, owners, occupant or occupants, and agent or agents of such intervening lands, with a particular description of the same. The petition must be filed in the court.

(c) After the petition is filed, the court shall appoint three (3) judicious and disinterested ~~freeholders~~ **licensed appraisers who are residents** of the county, as viewers.

(d) After five (5) days notice, to be given by the applicant to each of the owners, occupants, or agents of the intervening lands, of the time and place, and after being duly sworn to discharge their duties fairly and honorably as viewers, the viewers shall view the proposed route as marked and laid out for the railroad. They, or a majority of them, shall assess the damages, if any, that may be sustained by the owners, separately, of the intervening lands by reason of the location, construction, and use of the proposed lateral railroad, and report the assessment in writing to the clerk of the court immediately after the assessments are made. The report shall be filed in the office of the clerk of the court.

(e) If a party does not reject the report within twenty (20) days after the filing of the report, by writing on the report "not accepted" and signing the report, the report shall be confirmed by the court. If any party rejects the report, the report shall stand for trial.

(f) At trial, the general denial to the petition and report shall be taken as filed, and all matters of defense and reply may be given in evidence under the general denial. The party rejecting the report has the affirmative of the issues. The viewers or jury trying the cause shall, in assessing damages, take into consideration the advantages that may be derived by the owner or owners of the lands passed on, over,

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1 through, or under by the proposed lateral road by its location and
2 construction.

3 (g) Upon the filing of the report by the viewers in the court, the
4 damages assessed by them shall be paid to the clerk, to be tendered to
5 the party in whose favor the damages are awarded or assessed.

6 (h) After payment or tender is made under this section, the person,
7 persons, or company of persons, and their lessees described in
8 subsection (a), may hold and take possession of the interests in the
9 intervening lands or materials appropriated, and the privileges of using
10 any materials on the roadway within fifty (50) feet on each side of the
11 center of the roadway for the use described in subsection (a).

12 (i) The costs of the assessments by the viewers and the costs in case
13 of trial shall be paid as in other cases.

14 SECTION 4. IC 8-4-12-2 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2003]: Sec. 2. Any company that now is or that

16 may be organized under the general laws of this state providing for the
17 incorporation of railroad companies may complete any such abandoned
18 road or part thereof, and shall, for such purpose, be invested with all
19 the rights, privileges, interests, rights of way, franchises, properties and
20 immunities of such derelict railroad company, and shall proceed to
21 construct the same, as is hereafter provided: Provided, however, That
22 before any such new company shall succeed to said rights, privileges,
23 interests, rights of way, franchises, properties and immunities, and
24 before it shall proceed to complete such road or part of such road, the
25 value of the same shall be ascertained by three (3) disinterested
26 ~~freeholders~~ **licensed appraisers who are** residents in any county,
27 through which the line of such road may run, one (1) of whom shall be
28 selected by said new company, and one (1) by the old company, or the
29 assignee or purchaser of the franchises thereof, and the other by the
30 auditor of such county, and these three (3) shall constitute a board of
31 appraisers; and in the event that the said old company, or the assignee
32 or purchaser of the franchises thereof, shall fail or refuse, upon request,
33 to name such appraiser, then he shall be named by the said auditor.
34 Such board of appraisers shall take an oath to faithfully discharge their
35 duties, and make a true and impartial appraisal of such rights,
36 privileges, interests, rights of way, franchises, properties and
37 immunities. Such board shall report their appraisal to said auditor,
38 and, upon the payment of the same by such new company to the
39 treasurer of such county, it shall succeed to and be invested as
40 aforesaid: Provided, That nothing in this chapter shall authorize or
41 permit any railroad company which has constructed and is operating its
42 road to change its line of road from that now used and occupied so as

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to avoid any point named in their charter or articles of association.

SECTION 5. IC 8-6-2.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) When the land or any part of it is to be acquired by purchase, the resolution shall also state the maximum proposed cost, and the board may at any time prior to the adoption of the resolution obtain from the owner or owners of the land an option for its purchase, or the board may enter into a contract for the purchase of it upon the terms and conditions it considers best. The option or contract is subject to final confirmation or rescission of the resolution, and subject further to the condition that the land be paid for only out of the special fund resulting from the sale of grade separation district bonds and the collection of benefit assessments, or out of funds coming to the city from equitable settlements between the parties. If the board desires to acquire any lots or parcels of land by purchase, it shall appoint three (3) ~~freeholders~~ **appraisers** residing in the city, or in the county in which the city is located, who are not interested in any land to be acquired or in land which may incur local benefits under such resolution, to appraise the value of the land. The appraisers shall take an oath that they have no interest in the matter and that they will honestly and impartially make the valuation. The appraisers shall then proceed to view the land and consider and determine its true market value at that time.

(b) The appraisers shall submit a written report of their appraisal to the board and the report shall be filed with and become a part of the record of the proceeding. The board may not exercise any option on the land or enter into a contract to purchase the land at a higher price than the value named in the report.

SECTION 6. IC 10-7-1-16, AS AMENDED BY P.L.2-2002, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) The board of commissioners of any county, acting jointly with the board of public works of any city located in the county, to acquire grounds, real property, and interests in real property, by purchase or condemnation for any of the purposes authorized by this chapter, may proceed under IC 32-24, together with all the powers of eminent domain granted under this chapter to any county under any statute relating to appropriation and condemnation for use of the county, of any property, real or personal. However, before the board of commissioners may purchase real property and interests in real property, either by the county, or jointly by the county and any city located in the county, the board of commissioners or board of trustees, as provided in section 11 of this chapter, or board of commissioners acting jointly with the board of public works of any city located in the

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county, must have the real property appraised at its true cash value by at least three (3) disinterested ~~freeholders~~ **licensed appraisers who are residents** of the county, and may not pay more than the appraised value for any real property and interests in real property.

(b) If any owner refuses to sell real property at the appraised value, the property must be acquired by condemnation. If a county acts alone, an attorney representing the county shall conduct all the legal proceedings necessary in the purchase or condemnation of real property, and it shall be the duty of the legal department of any city and an attorney representing the county and the legal department of any city, if county and city act jointly under this chapter, to conduct all the necessary legal proceedings, without additional compensation, for the purchase or condemnation of real property.

(c) If any county acquires real property for any of the purposes provided for by this chapter, or joins with any city located in the county in the acquisition of real property for any of the purposes provided for in this chapter, the county acting by and through its board of commissioners, or the county by and through its board of commissioners acting jointly with any city located in the county, by and through its board of public works, with the approval of the mayor, as the case may be, may:

(1) grant the use of any real property or buildings and improvements on real property so acquired, to any organization of soldiers, sailors, and marines of the United States, and others for rent or charge, or without any rent or charge; and

(2) sell the buildings and improvements on the real property.

The net rent or proceeds of the sale of the building and improvements on the real property, if the real property was acquired by the county, shall be added to and become a part of the county world war memorial fund. If the real property was acquired by the county and any city located in the county jointly, the rent and proceeds of sale shall be added to the county world war memorial fund and the city world war memorial fund in the same proportions that the city and county contributed to the acquisition of the real property, buildings, and improvements, or the county. The county and any city located in the county acting jointly, as provided in this chapter, may convey any real property so acquired to the state and provide in the contract with the state as to the rent of buildings and improvements on real property, until necessary to remove the buildings and improvements, and for the sale of the buildings and improvements if the real property is needed by the board of trustees for world war memorial and other public purposes. The contract must provide how the net rent or proceeds will

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be applied.

(d) If any county institutes proceedings to condemn any real property or interests in real property or other property under this chapter, the suit must be brought:

- (1) in the name of the county;
- (2) by an attorney representing the county; and
- (3) at the direction of the board of commissioners of the county.

(e) If the joint condemnation of real property under this chapter, by any county and by any city located in the county, the suit must be brought in the name of the county, as provided in this section, and in the name of the city by its legal department, without additional compensation, at the direction of the board of public works. The county, or the county and the city jointly, may:

- (1) join in one (1) action as defendants the owners and all persons interested in one (1) or more tracts of real property to be condemned; or
- (2) institute proceedings to condemn separate tracts of real property.

SECTION 7. IC 10-7-6-12, AS AMENDED BY P.L.2-2002, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) The board of public works of any city, acting for the city or acting jointly with the board of commissioners of the county in which it is located, to acquire grounds, real property, and interests in real property by purchase or condemnation for any of the purposes authorized by this chapter, may proceed under IC 32-24, together with all powers of eminent domain granted in this chapter or any other statute. However, before the board of public works may purchase any real property or interests in real property, either by the city or jointly by the city and the county in which it is located, the board of public works or board of trustees, as provided in section 11 of this chapter, or board of public works acting jointly with the board of commissioners of the county in which the city is located, must have the real property appraised at its true cash value by at least three (3) ~~disinterested freeholders~~ **licensed appraisers** of the city and may not pay more than the appraised value for any real property or interests in real property. If any owner refuses to sell real property at the appraised value, the real property or interests in real property must be acquired by condemnation. The legal department of the city shall conduct all necessary proceedings for the purchase or condemnation of real property by the city and county jointly, for any purpose under this chapter, without additional compensation.

(b) If any city institutes proceedings to condemn any real property

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or interests in real property under this chapter, the suit must be brought in the name of the city by the legal department of the city, without additional compensation, at the direction of the board of public works. If there is a joint condemnation of any real property by any city and the county in which it is located, the suit must be brought in the name of the city as provided in this section and in the name of the county, by an attorney representing the county, at the direction of the board of county commissioners of the county. The city, or the city and county jointly, may:

(1) join in one (1) action as defendants the owners and all persons interested in one (1) or more tracts of real property to be condemned; or

(2) institute proceedings to condemn separate tracts of real property and interests in real property.

SECTION 8. IC 16-22-6-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. (a) A county desiring to erect or renovate a building on land owned or to be acquired by the county may sell land or a building, or both to the authority. Before the sale may take place, the county executive, with the approval of the county fiscal body, shall file a petition with the circuit court of the county requesting the appointment of three (3) disinterested ~~freeholders~~ **licensed appraisers who are residents** of the county, ~~as appraisers~~ to determine the fair market value of the land and buildings. The appraisers shall fix the fair market value of the land and buildings and report not more than two (2) weeks after the date of the appraisers' appointment. The county may sell the land and buildings to the authority for an amount not less than the amount fixed as the fair market value by the appraisers. The amount shall be paid in cash upon delivery of the deed by the county to the authority.

(b) If a cumulative building fund exists at the time of the sale under IC 16-12-16 (before its repeal on July 1, 1993), IC 16-12.1-4-4 (before its repeal on July 1, 1993), or IC 16-22-5, the proceeds from the sale shall be placed in the fund. If a cumulative building fund does not exist at the time of the sale, the proceeds from the sale shall be paid into the county hospital fund and the principal and interest shall be used for the purposes set forth in IC 16-22-5. A sale of land or buildings, or both, by a county to the authority shall be authorized by the county executive by an order entered in the official records of the county executive. The deed shall be executed on behalf of the county by the county executive.

SECTION 9. IC 16-22-7-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 29. (a) The city hospital, city, or county desiring to erect buildings on land owned or



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1 acquired by the city hospital, city, or county may lease land to the
 2 authority for a nominal rental for the same period, including renewal
 3 periods, that the lessee proposes to lease the particular land or
 4 buildings to be constructed from the authority. The city hospital, city,
 5 or county may grant an option to the authority to purchase the land not
 6 more than six (6) months after the expiration of the lease from the
 7 authority on the land or buildings if the city hospital or lessee does not
 8 exercise an option to purchase the buildings within the terms of the
 9 lease. If the option price on the land is not fixed in the original lease,
 10 the price shall be determined by an appraisal made by three (3)
 11 disinterested ~~freeholders~~ **licensed appraisers** residing in the county
 12 appointed by the judge of the circuit court.

13 (b) A lease of land by the city hospital, city, or county must be
 14 authorized by the city legislative body, the county executive, or
 15 governing board of the hospital, respectively, and a resolution, an
 16 order, or an ordinance must be entered in the official records of the
 17 governing body. Authorization may be given before or concurrently
 18 with the authorization of the lease from the authority to the lessee. The
 19 authorization to lease land to the authority is contingent upon the
 20 authorization to lease land from the authority. The lease to the authority
 21 shall be executed on behalf of the following:

- 22 (1) The city by the city executive and the recording officer.
- 23 (2) The county by the county executive and auditor.
- 24 (3) The authority by the president or vice president and secretary
- 25 of the governing board.

26 SECTION 10. IC 16-22-7-30 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 30. (a) The city
 28 hospital, city, or county desiring to have buildings erected on land
 29 owned or acquired by the city hospital, city, or county may sell the land
 30 to the authority. Before the sale may take place, the legislative body of
 31 the city, the governing board of the hospital, or executive of the county
 32 having authorized the sale shall file a petition with the circuit court of
 33 the county requesting the appointment of three (3) disinterested
 34 ~~freeholders~~ **licensed appraisers who are residents** of the county, as
 35 ~~appraisers~~ to determine the fair market value of the land. Upon
 36 appointment, the appraisers shall fix the fair market value of the land
 37 and shall report not more than two (2) weeks after the date of the
 38 appraisers' appointment. The city hospital, city, or county may sell the
 39 land to the authority for an amount not less than the amount fixed as
 40 the fair market value by the appraisers. The amount may be paid from
 41 proceeds of bonds of the authority.

42 (b) The city legislative body must authorize the sale of land owned

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1 by the city by resolution or ordinance and the deed shall be executed by
2 the city executive and city clerk.

3 (c) The governing board must authorize the sale of land owned by
4 the city hospital by resolution and the deed shall be executed by the
5 president or vice president and the secretary of the governing board.

6 (d) The county executive must authorize the sale of land owned by
7 the county by resolution or order, and the deed shall be executed by the
8 county executive and the county auditor.

9 SECTION 11. IC 20-5-23-2 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. Upon said petition
11 being filed, the owner or owners of said real estate, having had ten (10)
12 days' notice of the pendency thereof, the court shall appoint three (3)
13 ~~freeholders resident licensed appraisers who are residents in said the~~
14 school corporation or ~~said the~~ township where ~~said the~~ real estate is
15 ~~situate~~, **situated**, to appraise and assess the value thereof.

16 SECTION 12. IC 20-14-10-10 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) The lessor
18 corporation shall hold in fee simple the real property on which the
19 building or buildings exists or will be constructed. Any public
20 corporation or corporations proposing to lease the library building or
21 buildings, either alone or jointly with another public corporation that
22 owns the property, may sell the property to the lessor corporation in fee
23 simple.

24 (b) Before this sale may take place, the governing authority of the
25 public corporation shall file a petition with the circuit court of the
26 county in which the public corporation is located requesting the
27 appointment of three (3) disinterested ~~freeholders of the public~~
28 ~~corporation as licensed~~ appraisers to determine the fair market value
29 of the real property. Upon their appointment, the three (3) appraisers
30 shall fix the fair market value of the real property and report this
31 amount to the circuit court within two (2) weeks from the date of their
32 appointment. The public corporation may then sell the real property to
33 the lessor corporation for an amount not less than the amount so fixed
34 as the fair market value by the appraisers. This amount shall be paid in
35 cash upon delivery of the deed by the public corporation to the lessor
36 corporation.

37 SECTION 13. IC 21-5-11-8 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. The lessor
39 corporation shall acquire, own and hold in fee simple the land on which
40 such building or buildings is to be erected. Any school corporation
41 proposing to lease such school building or buildings, either alone or
42 jointly with another school corporation, and owning the land on which

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1 it desires that such building or buildings be erected may and is hereby
 2 authorized to sell and transfer to the lessor corporation such land in fee
 3 simple. Before such sale may take place, the governing body of the
 4 school corporation shall file a petition with the circuit court of the
 5 county in which the school corporation is located, requesting the
 6 appointment of three (3) disinterested ~~freeholders of the school~~
 7 ~~corporation as licensed~~ appraisers to determine the fair market value
 8 of such land. Upon their appointment, the three (3) appraisers shall
 9 proceed to fix the fair market value of such land and shall report the
 10 amount so fixed to the circuit court within two (2) weeks from the date
 11 of their appointment. The school corporation may then sell such land
 12 to the lessor corporation for an amount not less than the amount so
 13 fixed as the fair market value by the three (3) appraisers, which amount
 14 shall be paid in cash upon delivery of the deed by the school
 15 corporation to the lessor corporation; Provided, however, That if such
 16 land was acquired by the school corporation within three (3) years
 17 immediately preceding the date of the filing of the petition with the
 18 circuit court, such land may not be sold for an amount less than the
 19 amount paid by the school corporation for such land.

20 SECTION 14. IC 21-5-12-8 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. The lessor
 22 corporation shall acquire, own and hold in fee simple the land on which
 23 such building or buildings is to be erected. Any school corporation
 24 proposing to lease such school building or buildings, either alone or
 25 jointly with another school corporation, and owning the land on which
 26 it desires that such building or buildings be erected may and is hereby
 27 authorized to sell and transfer to the lessor corporation such land in fee
 28 simple. Before such sale may take place, the governing body of the
 29 school corporation shall file a petition with the circuit court of the
 30 county in which the school corporation is located, requesting the
 31 appointment of three (3) disinterested ~~freeholders~~ **licensed appraisers**
 32 **who are residents** of the school corporation ~~as appraisers~~ to determine
 33 the fair market value of such land. Upon their appointment, the three
 34 (3) appraisers shall proceed to fix the fair market value of such land
 35 and shall report the amount so fixed to the circuit court within two (2)
 36 weeks from the date of their appointment. The school corporation may
 37 then sell such land to the lessor corporation for an amount not less than
 38 the amount so fixed as the fair market value by the three (3) appraisers,
 39 which amount shall be paid in cash upon delivery of the deed by the
 40 school corporation to the lessor corporation; Provided, however, That
 41 if such land was acquired by the school corporation within three (3)
 42 years immediately preceding the date of the filing of the petition with

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the circuit court, such land may not be sold for an amount less than the amount paid by the school corporation for such land.

SECTION 15. IC 23-4-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. Such surviving partner or partners, within sixty (60) days after such death, shall proceed to make a full, true and complete inventory of the estate, goods, chattels, rights, credits, moneys and effects within his or their knowledge, and shall cause the same to be appraised by two (2) competent ~~freeholders or landholders of the neighborhood~~, **licensed appraisers**, one (1) of whom shall be selected by the surviving partner or partners, and the other by the clerk of the court having probate jurisdiction, making a full and complete schedule thereof; which said schedule and appraisal shall be sworn to by said appraisers before the clerk of such court, specifying that the property described in said schedule is appraised at its true cash value; which schedule shall, by said appraisers, be filed in the office of the clerk of the court having probate jurisdiction, immediately after the completion thereof.

SECTION 16. IC 23-14-69-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) When a township acquires title to land by donation, purchase, or otherwise for a public cemetery, the trustee of the township shall:

(1) lay out the land in lots with streets and walks;

(2) plat the land; and

(3) record the plat in the office of the recorder of the county.

(b) For recording a plat under subsection (a), the recorder shall collect the same fees as are allowed for similar recordings.

(c) The lots laid out and platted under subsection (a) must be numbered. A specific part of the lots must be:

(1) set apart; and

(2) designated on the plat;

for a potter's field.

(d) After the plat has been recorded, the township trustee shall appoint two (2) ~~freeholders of the township~~ **licensed appraisers** to appraise and fix the value of all the lots on the plat, except the part assigned to the potter's field under subsection (c). The appraisal shall be filed with and preserved by the township trustee.

SECTION 17. IC 25-34.1-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The commission shall establish fees under IC 25-1-8-2 to implement section 8 of this chapter **and to provide funding for the investigative fund.**

(b) Notwithstanding IC 25-1-8-2, a fee described in subsection (a) may not be less than fifty dollars (\$50).

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(c) The board may collect a fee required by federal law and transmit the fees to the federal government as required by federal law.

(d) A fee described in subsection (a) is in addition to any fees required by federal law.

SECTION 18. IC 25-34.1-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. The board shall submit recommendations to the commission concerning the following:

(1) Implementation and operation of the real estate appraiser licensure and certification program under IC 25-34.1-3-8.

(2) Rules governing real estate appraisers licensed and certified under IC 25-34.1-3-8.

(3) Requiring appraisers to comply with federal standards for Indiana related transactions.

(4) Establishing an annual fee in an amount necessary to fund the investigative fund established by section 7.5 of this chapter.

(5) Rules governing the administration of the investigative fund established by section 7.5 of this chapter.

SECTION 19. IC 25-34.1-8-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION [EFFECTIVE JULY 1, 2003]: Sec. 7.5.

(a) The investigative fund is established to provide funds to investigate appraisal fraud. The fund shall be administered by the attorney general.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from an annual fee imposed upon licensed or certified appraisers and educational providers under section 9(a) of this chapter.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general to conduct investigations of appraisal fraud under this chapter.

SECTION 20. IC 25-34.1-8-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. The attorney general shall hire investigators and other employees approved by the board to investigate appraisal fraud.

SECTION 21. IC 32-24-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2003]: **Sec. 5.5. (a) Within ninety (90) days, the owner shall accept or reject the condemnor's offer under section 5 of this chapter.**

(b) If the owner rejects the condemnor's offer, the owner may obtain an appraisal on the property. The owner shall deliver the appraisal to the condemnor.

(c) Upon receipt of the owner's appraisal, the condemnor shall immediately submit copies of its appraisal to the owner.

SECTION 22. IC 32-24-1-7, AS ADDED BY P.L.2-2002, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) The notice, upon its return, must show its:

(1) service for ten (10) days; or

(2) proof of publication for three (3) successive weeks in a weekly newspaper of general circulation printed and published in the English language in the county in which the property sought to be acquired is located.

The last publication of the notice must be five (5) days before the day set for the hearing.

(b) The clerk of the court in which the proceedings are pending, upon the first publication of the notice, shall send to the post office address of each nonresident owner whose property will be affected by the proceedings a copy of the notice, if the post office address of the owner or owners can be ascertained by inquiry at the office of the treasurer of the county.

(c) The court, being satisfied of the regularity of the proceedings and the right of the plaintiff to exercise the power of eminent domain for the use sought, shall appoint three (3) disinterested ~~freeholders of the county~~ **licensed appraisers** to assess the damages, or the benefits and damages, as the case may be, that the owner or owners severally may sustain, or be entitled to, by reason of the acquisition.

SECTION 23. IC 32-24-3-2, AS ADDED BY P.L.2-2002, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. Upon filing the petition, the attorney general shall provide the owners of the property the notice required by law in the commencement of a civil action. It is sufficient to make defendants to the petition all persons who are in possession of the property and those who appear to be the owners or to have any interest in the property by the tax duplicates and the records in the offices of the auditor and recorder of the county. After notice has been given, the court shall appoint three (3) resident ~~freeholders~~ **licensed appraisers** of the county where the property is located to appraise the value of the property.



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1 SECTION 24. IC 36-9-13-29 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 29. (a) An eligible
 3 entity that wants to have all or part of a government building
 4 constructed, reconstructed, or renovated on land owned or to be
 5 acquired by it may:

- 6 (1) sell that land or building to a building authority; or
 7 (2) lease the land or building to the authority for the same period
 8 of years that the eligible entity proposes to lease all or part of the
 9 building, and may grant an option to the authority to purchase the
 10 land or building within six (6) months after the expiration of the
 11 lease on the building if the eligible entity does not exercise an
 12 option to purchase the land or building within the terms of the
 13 lease.

14 If the option price of the land or building is not fixed in the lease, then
 15 the price to be paid for the land or building under the option shall be
 16 determined by an appraisal by three (3) appraisers, who must be
 17 residents of the county, and who shall be appointed by the circuit court
 18 for the county.

19 (b) A sale or lease of land or a building under this section must be
 20 authorized by resolution or ordinance of the governing body of the
 21 eligible entity, which shall be entered in the official records of the
 22 governing body. This authorization must be given concurrently with the
 23 authorization by the eligible entity of a lease of the building, or part of
 24 it, to be constructed, reconstructed, or renovated wholly or in part on
 25 the land.

26 (c) The deed, in the case of a sale of the land, or the lease, must be
 27 executed on behalf of the eligible entity by the officer or officers
 28 authorized by law to execute contracts on behalf of the entity, and on
 29 behalf of the authority by the president or vice president and secretary
 30 of its board of directors.

31 (d) Before the sale of any land or building under this section, a
 32 petition must be filed with the circuit court of the county requesting the
 33 appointment of three (3) **licensed** appraisers, who must be residents of
 34 the eligible entity selling the land or building. ~~and disinterested~~
 35 ~~freeholders~~. The appraisers shall fix the fair market value of the land
 36 or building and report their decision within three (3) weeks after their
 37 appointment. The eligible entity may then sell the land or building to
 38 the authority for an amount not less than the fair market value fixed by
 39 the appraisers, which amount may be paid from proceeds of bonds of
 40 the authority.

41 SECTION 25. IC 36-10-10-18 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. (a) A city desiring

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1 to have a convention center erected on land owned or to be acquired by
 2 it may sell or lease the land to the authority. The land may be leased at
 3 a nominal lease rental, but the term of the lease may not be less than
 4 the term of the lease of the convention center to the city.

5 (b) Before a sale may take place, the city executive, with the
 6 approval of the city legislative body, shall file a petition with the circuit
 7 court of that county requesting the appointment of three (3)
 8 ~~disinterested freeholders of the city~~ as **licensed** appraisers to determine
 9 the fair market value of the land. Upon their appointment, the
 10 appraisers shall fix the fair market value of the land and report within
 11 two (2) weeks from the date of their appointment. The city may then
 12 sell the land to the authority for an amount not less than the amount
 13 fixed as the fair market value by the appraisers, the amount to be paid
 14 in cash upon delivery of the deed by the city to the authority. A sale of
 15 land by a city to the authority shall be authorized by the city executive
 16 and city legislative body by ordinance, which shall be entered in the
 17 official records of the legislative body. The deed shall be executed on
 18 behalf of the city by the executive and attested by the city clerk.

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